

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RICKY J. KAWCZYNSKI,

Plaintiff,

ORDER

v.

12-cv-937-bbc

RITCHIE LAKELAND OIL, JOE RITCHIE and
THE DEPARTMENT OF NATURAL RESOURCES,

Defendants.

This is a civil action filed by plaintiff Ricky Kawczynski, who is proceeding pro se.

Plaintiff has paid the \$350 fee for filing this case.

The next step is for plaintiff to serve his complaint on the defendants. Under Fed. R. Civ. P. 4(m), a plaintiff has 120 days after filing a complaint in which to serve the defendants. However, that is an outside limit with few exceptions. This court requires that a plaintiff act diligently in moving his case to resolution. If plaintiff acts promptly, he should be able to file proof of service of his complaint on the defendants well before the deadline for doing so established in Rule 4.

To help plaintiff understand the procedure for serving a complaint, I am enclosing with this order copies of documents titled "Procedure for Serving a Complaint on Individuals in a Federal Lawsuit" and "Procedure for Serving a Complaint on a Corporation, Partnership or Unincorporated Association in a Federal Lawsuit." I am also enclosing notice of lawsuit and waiver of service of summons forms, along with copies of the complaint, which plaintiff will need to send to the defendants in accordance with the procedures set out in Option 1 of the memorandum.

With respect to defendant the Department of Natural Resources, which is a state agency, I am enclosing copies of Fed. R. Civ. P. 4 and Wis. Stat. § 801.11(4) and a signed, court sealed

summons form. (Plaintiff should note particularly Rules 4 (c), (j)(2) and (l).) State agencies such as the Department of Natural Resources, require service by summons, which is included with this order. As noted above, proof of service of the complaint on the defendants must be filed with the court after service has been accomplished. The back of the summons form provides space in which the person serving this defendant can attest to the time, place and manner in which service of process was made. With respect to the defendants served by waiver of summons, a copy of the signed waiver may be filed as proof of service.

ORDER

IT IS ORDERED that plaintiff serve his complaint on defendants promptly. He should file proof of service of his complaint as soon as he has served each defendant. ("Proof of service" is explained in the attachments.) By February 20, 2013, plaintiff is to file proof of service of his complaint on the defendants or tell the court why he cannot do so. If he does not file the proof of service or explain why he could not serve the defendants, I will order him to explain why this case should not be dismissed for lack of prosecution.

Entered this 19th day of December, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge